

Legislative Fiscal Bureau

Fiscal Note

SF 2146 - Terrorism - Class A Felony (LSB 5161 SV.1)

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Fiscal Note Version – As Passed by the Senate

Requested by Representative Charles Larson

Description

Senate File 2146 as passed by the Senate defines terrorism and provides that a person who kills another while participating in an act of terrorism commits a Class A felony. The Bill provides that soliciting or participating in an act of terrorism is a Class B or Class C felony, depending upon the value of the material support or resources. A person who makes a threat of terrorism commits a Class D felony. A person who obstructs the prosecution of terrorism that resulted in the death of another, commits a Class B felony. A person who obstructs the prosecution of terrorism that does not result in death commits a Class C felony. The Bill changes the name of the current criminal offense of “terrorism” to “intimidation with a dangerous weapon.” The Bill enhances the penalty for intimidation with a dangerous weapon, with intent to injure, from a Class C felony to a Class B felony. Senate File 2146 as passed by the Senate enhances the penalty for intimidation with a dangerous weapon, without intent to injure, from a Class D felony to a Class C felony.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2001 data.
5. “Civilian population” the Bill means large numbers of people. Certain acts of arson or vandalism are not subject to the amended definition of terrorism.
6. Acts of terrorism as defined in the Bill will continue to be rare events in Iowa.
7. There is no significant correctional or fiscal impact due to the proposed Class A felony offense. Homicides while participating in a forcible felony are already punishable by life in prison without parole.
8. There were 12 convictions for Class D felony terrorism (intimidation with a dangerous weapon under the Bill) in FY 2001; of these, 6 (50.0%) were granted probation. There were 12 convictions for Class C felony terrorism (intimidation with a dangerous weapon) in FY 2001, of these, 1 (8.0%) was granted probation.
9. Class D felony terrorism (intimidation with a dangerous weapon) becomes a Class C felony. There will be 12 convictions annually for this Class C felony; it is assumed that 8.0% (one) person will be granted probation. Under the Bill, Class C felony terrorism (intimidation with a dangerous weapon) becomes a Class B felony. There will be 12 convictions annually for this Class B felony; it is assumed that no probation sentences will be granted.

10. Admissions to State prison are based on the number of offenders currently being sentenced to Community-Based Corrections (CBC) probation supervision that will now be sentenced to prison.
11. Average length of stay in prison is 87 months for a Class B felony, 51 months for a Class C felony, and 25 months for a Class D felony. The marginal cost per day for State prisons is \$16 per inmate.
12. Average length of stay on parole is 36 months for a Class B felony, 30 months for a Class C felony, and 29 months for a Class D felony. The marginal cost per day for parole and probation supervision is \$1.55 per offender.
13. The median cost for indigent defense per case is \$3,500 for a Class B felony, \$1,200 for a Class C felony, and \$1,000 for a Class D felony.
14. The average cost per felony case for the Judicial Branch ranges from \$200 to \$600, depending on whether a jury trial occurs. These figures include the costs of a District Court Judge, Clerk of Court staff, a court reporter, and a court attendant.
15. There is no impact on the Judicial Branch for enhancing the penalties for the crime of intimidation with a dangerous weapon, as the decrease in Class D felonies will be offset by the increase in Class B felonies.

Correctional Impact

During FY 2003, there will be six fewer convictions for the Class D felony intimidation with a dangerous weapon and six more convictions for the Class B felony of intimidation with a dangerous weapon. There will be an increase and a decrease of six convictions for the Class C felony of intimidation with a dangerous weapon, resulting in no change. During FY 2004, and each year thereafter, there will be 12 fewer convictions for Class D felony intimidation with a dangerous weapon and 12 more convictions for Class B felony intimidation with a dangerous weapon.

Due to the enhanced penalties for intimidation with a dangerous weapon, there will be three offenders admitted to prison and the prison population will increase by three inmates during FY 2003. During FY 2004, and each year thereafter, admissions to prison will increase by six offenders. During FY 2004, the prison population will increase by 9 inmates; by FY 2007, the prison population will increase by 43 inmates.

Due to the enhanced penalties for intimidation with a dangerous weapon, admissions to CBC probation supervision will decrease by three offenders in FY 2003, and by six offenders each year thereafter.

There is no data with which to estimate the correctional impact of creating new offenses of terrorism. However, there will be a correctional impact to the extent that convictions under this statute occur, but that impact is not anticipated to be significant.

Fiscal Impact

Due to the enhanced penalties for intimidation with a dangerous weapon, SF 2146 as passed by the Senate will result in additional General Fund costs of \$31,000 during FY 2003 and \$77,000 during FY 2004, as follows:

<u>Expenditures</u>	<u>FY 2003</u>	<u>FY 2004</u>
Indigent Defense	\$ 15,000	\$ 30,000
Prisons	18,000	53,000
CBC Supervision	- 2,000	- 6,000
Net Cost Increase	<u>\$ 31,000</u>	<u>\$ 77,000</u>

The fiscal impact of creating new offenses of terrorism cannot be determined due to insufficient information; however, it is not anticipated to be significant.

Sources

Department of Corrections
State Public Defender's Office
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Supreme Court of Iowa

/s/ Dennis C Prouty

March 7, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
